

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

CRP.No. 1290 of 2004()

AS.323/1995 of DISTRICT COURT,TRIVANDRUM
OS.712/1992 of PRL.SUB COURT,TRIVANDRUM
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REVN. PETITIONER: APPELLANT/DEFENDANT:

K.INDIRA AMMA, D/O.KAMALAMMA, AGED
ABOUT 53, R/A. T.C.6/2502, PUTHEN VEEDU,
KURUVIKADU,KODUNGANOR, VATTIYOORKAVU,
THIRUVANANTHAURAM.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENT: RESPONDENT/PLAINTIFF:

K.CHANDRIKA, D/O.KAMALAMMA,
AGED ABOUT 53, R/A. T.C.6/2502,
PUTHEN VEEDU, KURUVIKADU, KODUNGANOR,
VATTIYOORKAVU, THIRUVANANTHAPURAM.

BY ADV. SRIL.MOHANAN
SMT.LIGEY ANTONY

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 06/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.1290 OF 2004

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Dated this the 6th day of August 2007

ORDER

This revision petition is preferred against the judgment of the District Court, Thiruvananthapuram in A.S.No.323 of 1995. The suit is one for realisation of the amount alleged to be due under an oral transaction. The plaintiff and defendant are sisters. It is the case of the plaintiff that the money was advanced for the purpose of purchasing a property. The witnesses examined are PW1, the plaintiff, PW3, the brother and PW2, the defendant's daughter. The defendant's daughter was examined to prove an endorsement as Ext.A3(a). She had admitted that the endorsement is in her handwriting. But she would contend that it was not at the instance of the defendant. PW3 is the brother of the plaintiff and the defendant. He had deposed that he was available at the time of the transaction and the amount had been advanced by the plaintiff to the defendant. On a total appreciation of the oral and documentary evidence, the courts below came to the conclusion on facts that the plaintiff has succeeded in proving the transaction and therefore granted a decree. I do not find any mistake

committed by the courts below and on the basis of sound reasoning and evidence had decreed the suit.

Therefore there is nothing to be interfered and there is no illegality or irregularity which requires interference at the hands of this court. C.R.P. is dismissed.

M.N.KRISHNAN, JUDGE

Cdp/-